

21 NCAC 10 .0214 RANDOM OFFICE INSPECTIONS

(a) Random Inspections Authorized. The Board shall conduct periodic inspections of chiropractic offices for the purpose of assessing compliance with G.S. 90, Article 8 and the rules of the Board. Inspections shall be conducted as follows:

- (1) Physicians shall be selected for office inspection randomly and not based on any suspicion of wrongdoing.
- (2) The Board shall provide at least 30 days' advance written notice to a physician whose office is to be inspected. Notice shall include a copy of the checklist to be used by the inspector.
- (3) Pursuant to G.S. 93B-8.2, the inspector shall not practice chiropractic in the same geographic market as the physician whose office is to be inspected.
- (4) The inspector shall use a standardized checklist provided by the Board to assess whether the physician's office complies with statutory standards governing cleanliness and sanitation, condition of equipment, patient records, readability of X-rays, signage, and display of licenses and certificates. The inspector shall record a grade of "Pass" or "Fail" for each item on the checklist, leave a copy of the graded checklist with the physician, and file the original with the Secretary of the Board.
- (5) The inspector shall examine individual patient records only to assess legibility and completeness. For purposes of this Rule, a "complete" patient record includes a medical history, examination findings, diagnosis, and notes for each office visit. The inspector shall not draw any conclusions as to the quality of care or reasonableness of charges based on his or her examination of patient records.
- (6) If the inspector issues a failing grade on any checklist item, the physician shall have 15 days from the date of inspection to submit to the Board staff a plan for making corrections. Thereafter, the physician shall have an additional 30 days to submit proof that corrections have been made.

(b) Appeal of Failing Grade. A physician whose office receives a failing grade on any checklist item may appeal to the Secretary of the Board. The Secretary shall review the inspector's findings and reverse any failing grade that, in the Secretary's opinion, was improvidently issued. If the Secretary is not a chiropractic physician, the Secretary shall consult with a physician member of the Board before ruling on the appeal. If the Secretary concludes that a failing grade was deserved, the Secretary shall have authority to grant additional time to make corrections upon the physician's showing that corrections cannot be completed within the time provided under Subparagraph (a)(6) of this Rule. No physician shall be subject to disciplinary action by the Board as the result of a random office inspection unless the physician willfully or through inaction fails to correct a deficiency cited by the inspector and affirmed by the Secretary.

(c) Exemptions. A physician whose office has been inspected pursuant to this Rule shall not be subject to further random office inspections for a period of three years following the inspection. In addition, the following categories of licensee shall not be subject to this Rule:

- (1) Physicians who do not treat any patients. This category includes chiropractic radiologists who only interpret X-rays supplied by other physicians, professional reviewers who only scrutinize treatment records supplied by other physicians, and instructors who only teach;
- (2) Physicians who practice only in hospitals;
- (3) Physicians who practice only in jurisdictions outside North Carolina; and
- (4) Physicians whose practices are exclusively locum tenens.

(d) Inspections for Cause. This Rule shall not apply to office inspections ordered by the Secretary of the Board for cause as part of the investigation and prosecution of suspected disciplinary violations.

History Note: Authority G.S. 90-142; 90-154; 90-154.2; 90-154.3;
Eff. March 1, 2016.